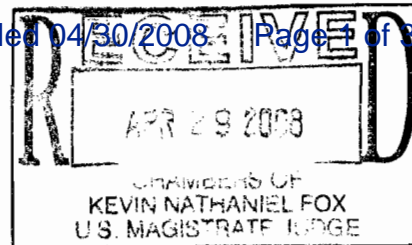


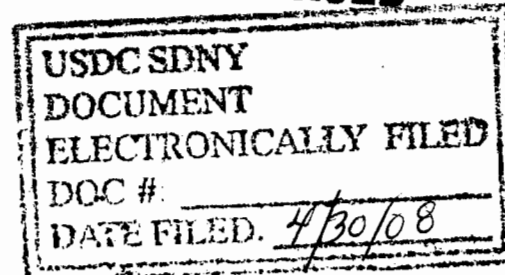
Kenneth R. Silverman, Esq.
Attorney for Defendants Keya Morgan
and Keya Gallery
32 Middagh Street, #16
Brooklyn, NY 11201
(718) 852-3082 - Phone and Fax



MEMO ENDORSED

By Fax

United States District Magistrate Judge Kevin Nathaniel Fox
United States District Court
Southern District of New York
500 Pearl Street, Room 540 – Courtroom 20A
New York, New York 10007



Re: Pete Livingston v. Keya Morgan and Keya Gallery, Case
Number 07 CV 7835 (RMB) (KNF) – Request For New Discovery Dates

April 29, 2008

Dear Judge Fox:

I apologize for having to submit another letter to you shortly after a previous letter on April 17, 2008. On April 24, 2008, Your Honor endorsed my letter indicating that Discovery was to continue while Defendants Motion to Dismiss is pending, denying Defendants application to postpone discovery. I am attempting to cooperate in good faith with Mr. Steven Ward Williams. On April 25, 2008 I sent an email to opposing counsel informing him that I could not attend the deposition of Defendant Morgan that he had scheduled for May 1, 2008 at 10 A.M., and asked opposing counsel to contact me in order to reschedule. Mr. Williams contacted me yesterday by email, indicating that he refuses to reschedule, and replied that the discovery deadline is May 1, 2008 and his client was going to fly in on that date.

Mr. Williams also sent Demands for Production of Documents and Interrogatories, which I received April 10, 2008, and which under the federal rules give the receiving party 30 days to respond. (FRCP 33 (b) (3) and 34 (b)). Mr. Williams wrote that defendants had 21 days to reply.

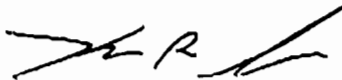
The date to respond to the production demand and Interrogatories under the federal rules is May 9, 2008. Plaintiff chose to serve the document and Interrogatory demands on April 9, 2008, and to serve the Notice of Deposition on April 15, 2008. Plaintiff scheduled the deposition on the expiration day of the discovery deadline. As practicing lawyers know, depositions often have to be rescheduled due to the inability of a party or attorney to appear. I am a solo and of-counsel attorney with three matters on at 26 Federal Plaza on May 1, 2008.

I faxed a letter to Mr. Williams asking him to reschedule the deposition, attached. I just received a very threatening letter from Mr. Williams where he discusses sanctions and costs (Attached). Mr. Williams also incorrectly states that pursuant to the January 22, 2008 Conference, the Court directed that my clients discovery responses were due within 21 days. The Case Management Plan says no such thing. I have attached the January 22, 2008 Case Management Plan to this letter. Mr. Williams has no right to unilaterally shorten the period the Defendants have to respond to Discovery Demands. Additionally, in the April 29, 2008 letter, Mr. Williams bizarrely implies that I am involved in some sort of conspiracy with a Mr. Daniel Byrnes, who was scheduled for a Deposition today and did not appear, stating that my "absence indicates you were aware of his plan to do that." I do not represent Daniel Byrnes and do not know why he didn't appear at the deposition or attempt to reschedule. My client did not wish to pay the costs of having me appear at the deposition, and therefore I did not attend. I have just sent another letter to Mr. Williams, which I have attached as well.

I am fully willing and attempting to cooperate with discovery. I do not believe Plaintiff is acting in good faith regarding the serving of discovery and scheduling of depositions. I certainly do not wish to burden the Court with this matter. At this point I must ask the Court for a new Discovery deadline. . Plaintiff did not serve any discovery until April 9, which places the

due dates for documents and Interrogatories past the May 1st deadline. It also does not seem possible that the deposition of Keya Morgan can occur by May 1, 2008, and at this point it seems impossible that Mr. Williams will make efforts to reschedule the deposition. This does not even account for the fact that additional discovery will likely be needed, if the case survives the Motion to Dismiss, as defendants have yet to Answer.

Yours Truly,



Kenneth R. Silverman

Cc: Steven W. Williams/Suzanne K. Lehman

4/29/08

The defendants' application, "for a new Discovery deadline," is denied. The parties have known since January 2008, that all discovery had to be initiated so as to be completed on or before May 1, 2008. It appears the parties squandered their time, necessitating the above-noted rush to complete discovery timely. In such a circumstance, extending the time for discovery is not warranted.

SO ORDERED:

Kevin Nathaniel Fox

**Hon. Kevin Nathaniel Fox
United States Magistrate Judge**